

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARCUS JOHNSON,	§	
	§	No. 148, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	C.A. No. 10M-03-006
Plaintiff Below,	§	Cr. ID No. 0403012959
Appellee.	§	

Submitted: August 4, 2010

Decided: August 9, 2010

ORDER

This 9th day of August 2010, the Court has considered the notice to show cause issued to the appellant, Marcus Johnson, on July 22, 2010, for his failure to file the opening brief and appendix that were due to be filed on or before July 2, 2010. Johnson has not responded to the notice to show cause and has not filed the opening brief and appendix. Johnson's failure to respond to the notice to show cause is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice